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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,023	07/10/2001	Walter H. Mawby	2051-00101	9285
23505	7590	06/09/2006	EXAMINER	
CONLEY ROSE, P.C. P. O. BOX 3267 HOUSTON, TX 77253-3267			MARSH, STEVEN M	
		ART UNIT	PAPER NUMBER	
		3632		

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/902,023	MAWBY ET AL.
	Examiner	Art Unit
	Steven M. Marsh	3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 03 April 2006.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2,4 and 14-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2,4,14-17, and 20-22 is/are rejected.
- 7) Claim(s) 18,19,23 and 24 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

This is the sixth office action for U.S. Application 09/902,023 for a Method For Constructing a Multi-Story Building filed by Mawby on July 10, 2001. Claims 2, 4, and 14-24 are pending.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 2, 4, 14-17, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. in view of Cerutti et al. Stewart et al. discloses a structure (500) with a substructure (501) having a drive aisle (512, 512a, 512b) and a plurality of automobile parking spaces (508, 510) and comprises a plurality of parallel adjacent tunnels that create two automobile parking spaces next to each other (see fig. 13). Each tunnel includes a transverse drive aisle opening (512) and the substructure further includes a plurality of first tunnel walls (parking space tunnels 510 including the drive aisle 512) having a first length. The drive aisle opening in the first tunnel walls are wide enough to accommodate a automobile parking space in addition to the drive aisle; and a plurality of second tunnel walls (parking space tunnels 508) have a second length that is less than the first length because they do not include a drive aisle.

There is a plurality of automobile parking spaces configured such that a set of three adjacent tunnels includes at least four automobile parking spaces.

An interface level (531) has a plurality of parallel adjacent tunnels (figure 14), including a plurality of third tunnel walls (parking space tunnels 536) and includes the drive aisle (518b) vertically aligned above the first tunnel walls and having a third length that is as great as the first length. There is a plurality of fourth tunnel walls (parking space tunnels 508) vertically aligned with the second tunnel walls having a fourth length. There is a superstructure (figure 15) with a plurality of parallel adjacent tunnels with walls that are each vertically aligned with one of the first and second tunnel walls and wherein each first tunnel wall is separated from another first tunnel wall by a pair of second tunnel walls in the middle of the structure (figure 14).

Stewart et al. does not specifically teach poured-in-place tunnels. Cerutti et al. teaches a method of forming a poured-in-place concrete tunnel (claim 12). It would have been obvious to one of ordinary skill in the art at the time of the present invention to have utilized the well-known poured-in-place concrete method for creating tunnels, to form the tunnels taught by Cerutti et al., to prevent flotation of the tunnel forms.

#### ***Allowable Subject Matter***

Claims 18, 19, 23, and 24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, for the reasons stated in the previous action.

***Response to Arguments***

Applicant's arguments filed April 3, 2006 have been fully considered but they are not persuasive. Applicant's arguments appear to be directed towards the size of each "parking space" defined in the garage and the description "automobile" parking space has been used to define the size of each space over the spaces disclosed by Stewart. However, an automobile doesn't have any particular dimension. An automobile could be anywhere from 3 feet wide to 3 times that width. Stewart's spaces could accommodate a plurality of smaller automobiles and still have a drive aisle.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Marsh whose telephone number is (571) 272-6819. The examiner can normally be reached on Monday-Friday from 8:00AM to 4:30 PM. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-3600. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

*Stm*

Steven M. Marsh

June 5, 2006

*Ramon O. Ramirez*  
RAMON O. RAMIREZ  
PRIMARY EXAMINER